



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LOCAL 2864, INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS

Petitioner

and

BOARD OF SELECTMEN, FIRE DEPARTMENT,
TOWN OF LONDONDERRY, N. H.

Respondent

CASE NO. F-0122

DECISION NO. 82-14

APPEARANCES

Representing Local 2864, IAFF:

George Dickson, Representative AFF-NH
William Rainey, AFF-NH
Robert P. Rallo, Local 2864, IAFF
Ronald Anstey, Jr., Local 2864, IAFF

Representing the town of Londonderry:

Gary W. Wulf, Representative
Frederick J. Picco, Selectman
Robert H. Day, Selectman
Daniel Hicks, Fire Commission
William D. Cox, Administrative Assistant

BACKGROUND

A petition for certification was filed with the Board on January 28, 1982 by the International Association of Fire Fighters, Local 2864, asking for the certification of a bargaining unit in the town of Londonderry to be composed of all firefighters (9) and fire dispatchers (3).

The Town answered on February 9, 1982, asking that the petition be dismissed on two grounds:

1. The filing was not timely since RSA 273-A:3, II(a) requires notice of intent to bargain 120 days prior to the budget submission date (February 1st) and this petition was not so filed;
2. The proposed unit, firefighters, does not meet the minimum required by law (10) in that there are nine (9) firefighters in the department.

A unit determination hearing was held in the Board's office in Concord, N. H. on March 2, 1982 before Hearing Officer Robert E. Craig, Chairman of the P.E.L.R.B.

FINDINGS OF FACT AND RULINGS OF LAW

-- In terms of timeliness of the petition, it was quickly determined that the law does not stipulate filing deadlines when there is no collective bargaining unit in place, hence the notification for bargaining deadline cannot apply and the petition was timely filed.

-- The Town representative (Wulf) offered testimony and documents outlining the duties of firefighters and dispatchers with a view to distinguishing the two, arguing that the dispatchers were not firefighters in the sense that they did not regularly fight fires, did not have exactly the same qualifications or receive the same pay and generally performed their duties as dispatchers and not firefighters.

-- The Union representative (Dickson) offered testimony to the fact that all dispatchers, while not regular firefighters, were all call firefighters and were paid in a manner similar to regular firefighters when on call and many, if not all, were aspiring to be firefighters and that the department did put dispatchers through a training program to help them become regular firefighters, as many do.

-- The Town presented evidence that the N. H. Retirement System has recently ruled that dispatchers were not to be treated the same as regular firefighters.

-- The Union presented testimony that the work rules of the department applied equally to all employees, whether fire dispatchers or firefighters in terms of hours of work, place of work, chain of command, etc.

-- The Town presented testimony that the dispatchers also worked for high-way vehicles in the times other than normal daily working hours, arguing that this also showed that they were not in the same "community" with the firefighters.

DECISION AND ORDER

It should be noted that RSA 273-A:8, I, provides that a bargaining unit may be certified by the Board if any of the following criteria (or others) are established as showing a "community of interest"...

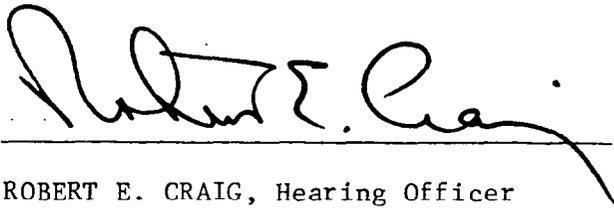
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

Throughout the testimony and exhibits it becomes abundantly clear that all members of the proposed bargaining unit are functioning within the "same organizational unit" and further that they share in the same historic craft or profession by virtue of their training and work which is focused on the fighting of fires and fire safety in the town.

Having demonstrated a "community of interest" between all firefighters and fire dispatchers in the Fire Department of the town of Londonderry, the petition for certification of the employees of the Fire Department is hereby approved, creating a unit composed of all the firefighters and all the dispatchers of the town.

Election in accordance with RSA 273-A:10 and the Board's Rules and Regulations, Section 2.4 will be held as expeditiously as possible.

Order of election is enclosed.

A handwritten signature in black ink, appearing to read "Robert E. Craig", written over a horizontal line.

ROBERT E. CRAIG, Hearing Officer
Public Employee Labor Relations Board

Signed this 11th day of March, 1982.